

Pursuant to 28 U.S.C. § 1915(b), Darby is required to pay the statutory filing fee of \$455.00 for this appeal. Based on the Certificate of Inmate Account and Assets submitted by Darby, dated April 28, 2009, and executed by the North Dakota State Penitentiary, **a partial filing fee of \$1.29** is immediately assessed for this appeal. Thereafter, Darby will be obligated to make monthly payments in the amount as established by 28 U.S.C. § 1915(b)(2) until the filing fee is paid in full. The full fee will be collected even if the Court dismisses the appeal because it is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks money damages against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

IT IS ORDERED that:

- 1) Darby's request to proceed in this appeal *in forma pauperis* (Case No. 3:09-cv-010, Docket No. 29) is **GRANTED**.
- 2) Darby is assessed an initial filing fee of \$1.29 payable to the Clerk of the District Court. The remaining filing fee owed shall be paid to the Clerk of the District Court from Darby's inmate spending account or release aid account in accordance with the payment plan set forth in 28 U.S.C. § 1915(b)(2). The institution where Darby is incarcerated (North Dakota State Penitentiary) is required to post payments in an amount of 20% of each future month's income placed in Darby's inmate spending or release aid accounts. Payments shall be made each time the amount in Darby's accounts exceeds \$10.00 and shall continue until the statutory filing fee of \$455.00 is paid in full.

issued orders in each of his cases denying his requests without prejudice. Darby responded by filing notices of interlocutory appeal. In addition, he filed requests to proceed on appeal *in forma pauperis*. The court previously granted this request in Darby v. Schuetzle, Case No. 1:08-cv-110. For the sake of consistency, the court now grants these requests in his remaining three cases.

3) A notice of this obligation shall be sent to Darby and the appropriate prison official.

Dated this 10th day of June, 2009.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge